

**A RESOLUTION GRANTING A
CONDITIONAL USE PERMIT (190811) IN THE PINEY MOUNTAIN DISTRICT FOR US
CELLULAR/EMILEE LAUER (APPLICANT/AGENT), EMMETTE DRINKARD (PROPERTY
OWNER) TO LOCATE A WIRELESS COMMUNICATIONS FACILITY OFF OF PINEY
MOUNTAIN ROAD IN THE OAKVILLE AREA**

WHEREAS, Emmette Drinkard (Property Owner), US Cellular/Emilee Lauer (Applicant/Agent) has applied for a conditional use permit to operate a Wireless Communications Facility off Piney Mountain Road, near Oakville. The property zoning is A-1, Agricultural Zoning District. The property is further identified as Tax Map Identification Number 38 I4) E and is located on the south side of Piney Mountain Road near the intersection of Oakville Road in the Oakville community; and

WHEREAS, the land use "Wireless Communication Facility" is a conditional use within the A-1, Agricultural Zoning District; and

WHEREAS, the petition was referred to the Planning Commission, which held a duly advertised and noticed public hearing on December 12, 2019, and the Planning Commission received no comments from the general public; and

WHEREAS, the Planning Commission weighed the information related to the zoning, land use, transportation, environment, the comprehensive plan and other factors; and found that for reason of public necessity, convenience, general welfare, and good zoning practice, the Planning Commission recommends approval of the petition with the following conditions;

1. The wireless communication facility will be constructed in general conformance with the concept plan submitted with the application and dated November 12, 2019 (concept plan dated November 8, 2019).
2. Tower height, including antennae, lightning rod and other appurtenances is limited to a maximum height of 164 feet from average grade.
3. A fifteen (15) foot buffer of existing pine trees/vegetation shall remain around the perimeter of the fenced compound area to block the view of the compound from Piney Mountain Road. Leyland Cypress or native pine trees shall be used to compliment/in-fill any areas deemed necessary upon final inspection of the Zoning Administrator. Said inspection shall occur prior to the issuance of a Certificate of Occupancy. Any new plantings shall be a minimum of six (6) feet tall at the time of planting; and

WHEREAS, the petition has been duly advertised and noticed for public hearing before the Board of Supervisors on January 21, 2020, with said public hearing being held and comments received; and

WHEREAS, the Board of Supervisors concurs with the recommendation of the Planning Commission and finds that the proposed use is consistent with the comprehensive plan, the zoning ordinance, and good zoning practice and would generally promote the health, safety, and general welfare of the public;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby grants US Cellular/Emilee Lauer (applicant/agent), Emmette Drinkard (property owner), a conditional use permit, including said conditions, to locate a Wireless Communications Facility.

Adopted: January 21, 2020

Samuel E. Carter, Chairman
Appomattox County Board of Supervisors

ATTEST:

Susan M. Adams, Clerk to the Board